

Disposition of the Independent Review Panel



Complainant: Dwayne Harris/Cesar Munoz

IRP Case: A2002.269

Date: February 25, 2005

MDPD Case: PC2002.0248

The Independent Review Panel met on February 24, 2005 for the purpose of publicly reviewing the complaint made by Mr. Dwayne Harris and Mr. Cesar Munoz against the Miami-Dade Police Department (MDPD) and the department's response to that complaint. The following represents the findings of the Panel:

A. Recommendations

1. That MDPD remind officers on a regular basis of the importance of courteous body language especially in dealing with deaf people.
2. That MDPD update their certified interpreters contact list on a regular basis to reflect changes.
3. That Mr. Munoz work with deaf community organizations to produce a card that indicates the bearer is deaf and requests the assistance of an interpreter.

B. Incident

The complainant, who is deaf, alleges that the desk officer at the Doral Station office did not want to provide an interpreter when he asked for one. Instead the officer made facial expressions and hand motions that were offensive to him.

C. Allegation

Officer Sandra Elamin was discourteous when she failed to provide an interpreter and "mocked Mr. Munoz's deafness by using hand motions to indicate that she was deaf herself."

D. Disposition of the Independent Review Panel

The Panel found the allegation that Officer Sandra Elamin was discourteous to be **Inconclusive**. The Panel found evidence that Officer Elamin's nonverbal communication made Mr. Munoz feel frustrated and offended; however the evidence does not support the allegation that Officer Elamin was intentionally rude and disrespectful. Officer Elamin did not refuse to provide an interpreter. Mr. Munoz stated that Officer Edwards, who knows sign language, was assisting him within five minutes of his interaction with Officer Elamin.

E. Other Findings

Mr. Munoz's ADA card addresses the right of a person to have an interpreter in court. It is not specifically a request for an interpreter to be called.

F. Observations to Promote Healthy Police/Citizen Interactions:

The stage for the interaction between a civilian and a police officer is set within seconds of their initial contact. Nonverbal communication is the primary source of connection between a hearing and a deaf person, therefore it is extremely important for the police officer to be polite, professional, unhurried, and to pay close attention to body language, especially facial gestures.

The Independent Review Panel concluded the complaint on February 24, 2005.

Independent Review Panel

Committee Recommendation to the Panel

February 24, 2005

Complaint: A 2002.269

MDPD Case: PC 2002-0248

Complainant: Mr. Dwayne Harris / Mr. Cesar Munoz

Accused Party: Miami-Dade Police Department (MDPD), Officer Sandra Elamin

Date Complaint Received: June 12, 2002

Materials Reviewed: Correspondence, MDPD file, staff notes and committee notes.

Committee: Rev. James Phillips, Panel Member; Dr. Eduardo Diaz, Executive Director; Carol Boersma, Executive Assistant to the Director; Linda Pierre, Conflict Resolution Specialist

Meeting Date: January 19, 2005

Present: From MDPD Professional Compliance Bureau Sgt. Stephanie Daniels and Sgt. Steven Signori; Mr. Cesar Munoz, Complainant; Jason Southwell, American Sign Language Interpreter

Complaint: Mr. Cesar Munoz filed a complaint with the assistance of Dwayne Harris, representative of Deaf Access Communication. Mr. Munoz is deaf. He stated that on April 12, 2002, at approximately 10:30 pm., he and another friend, Mr. Carlos Sogovia, who is also deaf, went to the Doral Station to file a police report. When both Mr. Munoz and his friend arrived at the police station, they encountered Officer Sandra Elamin. Mr. Munoz tried to communicate to Officer Elamin by presenting his ADA card, which states that he is deaf and needs an interpreter. Mr. Munoz advised that Officer Elamin did not want to communicate with him. Instead she threw her hands up in the air and started making facial expressions and hand motions that were offensive to him.

Mr. Munoz stated that he was upset with Officer Elamin, because she did not want to provide him with an interpreter when he asked for one.

Department Response-MDPD File PC2002-0248:

MDPD investigated the allegation that Officer Elamin was discourteous when she failed to provide an interpreter and "mocked his deafness by using hand motions to indicate she was deaf herself." Officer Elamin refused to contact a sign language interpreter, even though Mr. Munoz presented a card indicating that he was deaf and needed an interpreter.

MDPD found the allegation to be Not Sustained. MDPD found that Officer Elamin did request the assistance of Officer Jonathan D. Edwards, who was able to communicate in American Sign Language and help Mr. Munoz file his police report. Two witnesses stated that they did not observe Officer Elamin or any other officer being discourteous to Mr. Munoz.

Statement of Mr. Carlos Sogovia

Mr. Sogovia advised that he presented a card to Officer Elamin explaining that he was deaf and that he needed an interpreter. Mr. Sogovia stated that Officer Elamin was discourteous to Mr. Munoz by having a mean look on her face, and the way she was talking made it seem as if she had no respect for them because they were deaf.

Statement of Officer Jonathan D. Edwards

Officer Edwards stated that he was in the Doral Station on his day off making copies of some paperwork, when Sgt. Prieto asked him to assist Mr. Munoz. Officer Edwards explained that it was common knowledge around the station that he knew how to communicate in American Sign Language, because he had been married to a deaf woman. Officer Edwards stated that after assisting Mr. Munoz, Mr. Munoz appeared to understand everything that he signed and did not have any other questions. Officer Edwards stated that Mr. Munoz did not make any complaint or allegation about Officer Elamin's behavior. He also did not observe Officer Elamin being discourteous to Mr. Munoz.

Committee Remarks:

Rev. Phillips inquired about Mr. Harris, who originally filed the complaint with Mr. Munoz. Mr. Munoz informed everyone that Mr. Harris currently living in Chicago. Rev. Philips asked Mr. Munoz to address his concerns by giving a brief summary about his complaint. The committee looked at the following issues:

MDPD Police Officer ignoring Mr. Munoz' ADA I.D. card.

- Mr. Munoz stated that because he is deaf and does not understand English he presented his American Disabilities Act (ADA) card to Officer Elamin in hopes of receiving an interpreter for assistance. Mr. Munoz advised that with an interpreter he would have been able to maintain his dignity, instead of getting frustrated.
- Mr. Munoz stated that when Officer Elamin saw the ADA card, she just placed it down and started making rude gestures, making him feel like an "animal."
- Mr. Munoz presented the ADA card to Dr. Diaz. Dr. Diaz raised the issue that the card focused on the law which requires that a deaf person have an interpreter in court. The card states the following:

USA Law for the deaf. The law says you must have an interpreter in court, if you are arrested for a felony or misdemeanor, or breaking the law including a driving violation. You should not talk write or sign any papers except to demand a certified interpreter and a lawyer. Tell the police or court to look up this law of "Code of Criminal Procedure," Federal Law #504 for the deaf.

Treating the deaf population with respect and dignity

- Mr. Munoz stated that Officer Elamin lacked respect for the disabled population. She did not want to provide an interpreter.
- Mr. Munoz stated that he became upset when Officer Elamin started throwing her hands up in the air and began making exaggerated faces. Mr. Munoz interpreted officer Elamin's gestures to mean that his signing was ugly.

Training

- MDPD offers a 4-hour basic skills training course that teaches officers how to deal with physically and mentally handicap persons.
- Sgt. Signori stated that basic sign language is a talent that some officers come into the department with, however he does not know the specific number.
- Sgt. Signori stated that the basic job of an officer requires hearing because of safety issues. He does not know of any deaf sworn officers.
- Sgt. Signori stated the routine when a hearing impaired person contacts MDPD depends on the degree of the crime or the incident. Communicating with a hearing impaired person on paper, would be appropriate for a lesser crime. An interpreter would be called in to get the specific details for the greater crime.

Time Lapse

- Mr. Munoz stated that the entire reporting process took about one hour. He received assistance from Officer Edwards about five minutes after his interaction with Officer Elamin.

Questions to Interpreter

- Mr. Southwell stated that he has responded many times to the police and hospitals. Mr. Southwell advised the committee that the numbers on the ADA contact list may have to be up-dated because some of the numbers are no longer 24-hour agencies. Mr. Southwell stated that there are about 10 nationally certified interpreters and 30 State qualified interpreters serving the Miami-Dade County area. Normally the police and hospitals call the 10 nationally certified interpreters for assistance.

Committee Findings:

A. Regarding the allegation

The committee found the allegation that Officer Sandra Elamin was discourteous to be Inconclusive. The committee found evidence that Officer Elamin's nonverbal communication made Mr. Munoz feel frustrated and offended; however the evidence does not support the allegation that Officer Elamin was intentionally rude and disrespectful. Officer Elamin did not refuse to provide an interpreter. Mr. Munoz stated that Officer Edwards, who knows sign language, was assisting him within five minutes of his interaction with Officer Elamin.

B. Other Findings:

Mr. Munoz's ADA card addresses the right of a person to have an interpreter in court. It is not specifically a request for an interpreter to be called.

Observation to Promote Constructive Police/Citizen Interactions

The stage for the interaction between a civilian and a police officer is set within seconds of their initial contact. Nonverbal communication is the primary source of connection between a hearing and a deaf person, therefore it is extremely important for the police officer to be polite, professional, unhurried, and to pay close attention to body language, especially facial gestures.

Recommendations: The Committee recommends that:

1. MDPD remind officers on regular basis of the importance of courteous body language especially in dealing with deaf people.
2. MDPD update their certified interpreters contact list on a regular basis to reflect changes.
3. Mr. Munoz work with deaf community organizations to produce a card that indicates the bearer is deaf and requests the assistance of an interpreter.
4. The complaint be concluded.